REMARKS

Claims 1, 4, 7, 10, 13, 16, and 19 have been examined. Claims 4 and 7 are allowed.

Claims 1 and 10 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by

Riches et al. (U.S. Patent Application Publication No. 2002/0035695). Claim 13 is rejected

under 35 U.S.C. § 103(a) as allegedly being unpatentable over Riches. Claims 16 and 19 remain

rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Riches in view of

Malakapalli et al (U.S. Patent No. 6,467,060).

§ 102(b) Rejections (Riches) - Claims 1 and 10

The Examiner maintains the previous rejections of claims 1 and 10 and adds new

arguments in the *Response to Arguments* section of the present Office Action. Applicant

maintains the previously submitted arguments and the arguments set forth below.

With respect to independent claim 1, Applicant previously argued that Riches does not

disclose or suggest at least, "wherein a first cyclic redundancy checking (CRC) code produced

from data recorded in said recording medium is recorded in said cartridge memory and then

secured in an unrewritable state," as recited in claim 1. In the *Response to Arguments* section of

the outstanding Office Action, the Examiner alleges:

> Regarding claim 1, on pages 2 and 3 of the response filed July 5,
> 2006, Applicant argues that Riches et al fail to disclose or suggest·
> "...the sequence of recording a first CRC code in a cartridge
> memory and then securing it in an unrewritable state after the
> recording operation." The Examiner however respectfully
> disagrees since, as discussed in the previous Office Action, Riches
> et al discloses a cartridge memory (3) comprising a plurality of
> data blocks. Each CRC code is stored to a distinct data block in
> the cartridge memory. A counter is used to keep track of how

> many codes have been recorded to the memory and to prevent
> previously written data from being rewritten or deleted. The
> counter indicates the data block to which the code is to be written.
> Data cannot be rewritten to a data block that has previously been
> written to. After the code has been written to the assigned block,
> the counter is then incremented, thereby ensuring that the code is
> secured in an unrewritable state. For further details on the
> sequence of events disclosed by Riches et al, see Fig. 5 and
> disclosure thereof.

In response, Applicant submits that the counter in Riches is not used to prevent

previously written data from being rewritten or deleted. As indicated previously, Riches only

teaches that a tape is indicated as read only after determining that a predetermined number of

entries to the tape have been exceeded. There is no teaching or disclosure in Riches of a counter

being used to prevent previously written data from being rewritten or deleted. For example,

paragraph 93 of Riches suggests that data can be rewritten via an erase command. Furthermore,

there is no teaching or suggestion in Riches that data cannot be rewritten to a data block that has

been previously written to. The Examiner is obviously utilizing impermissible hindsight

reasoning in making this assertion, as the characteristic claimed is not inherent in Riches.

Further, the Examiner alleges:

> On pages 3 and 4 Applicant argues that Riches et al "...does not
> disclose or suggest the specific feature of a flag for write
> protection being generated after completion of the data being
> recorded. The Examiner respectfully disagrees since in the
> previously cited paragraphs 32, 98, and 109 it is clearly shown that
> after data is written and after the memory no longer has the
> capacity to store more data, a flag is set to report that the tape is
> read only. It is considered that by being "read only", the tape is
> protected from being written to. For at least the reasons discussed
> above, and reading the claims in the broadest reasonable
> interpretation without utilizing impermissible hindsight, as asserted
> by Applicant, it is considered that the reference meets the
> limitations of Applicant's invention as claimed.

In response, Applicant submits that the Examiner appears to be reading into the applied reference teachings that are not there. For example, there is no teaching or suggestion that after data is written and after the memory no longer has the capacity to store more data, a flag is set to report that the tape is read only. The tape is made read-only when a particular counter gets to a particular number. There is no teaching or suggestion that the particular number discussed in Riches corresponds to the memory no longer having the capacity to store more data. Nowhere do the cited portions of Riches disclose or suggest this much. Therefore, at least based on the foregoing, and the arguments previously submitted, Applicant submits that Riches does not anticipate claim 1.

Applicant submits that dependent claim 10 is patentable at least by virtue of its dependency from independent claim 1.

§103(a) Rejections (Riches) - Claim 13

Applicant submits that independent claim 13 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

§103(a) Rejections (Riches/Malakapalli) - Claims 16 and 19

Applicant submits that claims 16 and 19 are patentable at least by virtue of their dependencies from independent claim 1. Malakapalli does not make up for the deficiencies of Riches.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

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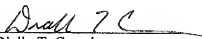
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                                       Respectfully submitted,

SUGHRUE MION, PLLC   Diallo T. Crenshaw
Telephone: (202) 293-7060   Registration No. 52,778
Facsimile: (202) 293-7860

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